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EXTRAORDINARY

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PART II—Section 1

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 12th January, 1977/Pausa 22, 1898 (Saka)

THE YANAM LAND REFORMS (CEILING ON AGRICULTURAL HOLDINGS) REGULATION, 1977

No. 1 of 1977

Promulgated by the President in the Twenty-seventh Year of the Republic of India.

A Regulation to provide for the fixation of ceiling on agricultural holdings in the region known as Yanam in the Union territory of Pondicherry and taking over of surplus lands and to provide for matters connected therewith.

In exercise of the powers conferred by the second proviso to clause (1) of article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

1. (1) This Regulation may be called the Yanam Land Reforms (Ceiling on Agricultural Holdings) Regulation, 1977.

(2) It extends to the whole of the Yanam region in the Union territory of Pondicherry.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint

2. In this Regulation, unless the context otherwise requires,—

(a) "agricultural year" means the year commencing on the 1st day of April in any year and ending with the 31st day of March of the year next succeeding;

Provided that the Collector may, with respect to any crop, area or category of land, by notification, specify the year between such other dates as he may deem fit, as an agricultural year;

(b) "Appellate Tribunal" means the Appellate Tribunal constituted under section 18 and where no such Appellate Tribunal is in existence, the Collector;

Short title, extent and commencement.

Definition.

(c) "bank" means a banking company as defined in section 5 of the Banking Regulation Act, 1949, and includes the State Bank of India, constituted under the State Bank of India Act, 1955, a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959, and a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, and such other financial institution owned, controlled or managed by a State Government or the Central Government as may be notified in this behalf by the Government;

10 of 1949.

23 of 1955.

38 of 1959

5 of 1970

(d) "ceiling area" means the extent of land specified in section 3 to be the ceiling area;

(e) "Collector" means the chief officer in charge of the revenue administration of the Union territory of Pondicherry;

(f) "Deputy Collector (Revenue)" means the Deputy Collector (Revenue), Yanam;

(g) "double crop wet land" means any wet land on which two crops per fasli year have, or a dufassal crop has, been raised with the use of water from a Government source of irrigation in any four fasli years within a continuous period of six fasli years immediately before the specified date;

(h) "dry land" means land registered as *Terres a Pasturage* in the revenue accounts of the Government other than lanka or padugai land or land used as coconut or grape garden immediately before the specified date;

(i) "family unit" means—

(i) in the case of an individual who has a spouse or spouses, such individual, the spouse or spouses and their minor sons and unmarried minor daughters, if any;

(ii) in the case of an individual who has no spouse living, such individual and his or her minor sons and unmarried minor daughters, if any;

(iii) in the case of an individual who is a divorced husband and who has not remarried, such individual and his minor sons and unmarried minor daughters, if any, whether in his custody or not; and

(iv) where an individual and his or her spouse are both dead, their minor sons and unmarried minor daughters, if any.

Explanation.—Where a minor son is married, his wife and their offspring, if any, shall also be deemed to be members of the family unit of which the minor son is a member;

(j) "fasli year" means the year commencing on the 1st day of July in any year and ending with the 30th day of June of the year next succeeding;

(k) "Government" means the Administrator of the Union territory of Pondicherry appointed under article 239 of the Constitution;

(l) "Government source of irrigation" means a source of irrigation registered in the land revenue accounts of the Government as such, including a well constructed or maintained by the Government or any local authority;

(m) "holding" means the entire land held by a person,—

(i) as an owner;

(ii) as a limited owner;

(iii) as an usufructuary mortgagee;

(iv) as a tenant;

(v) who is in possession by virtue of a mortgage by conditional sale or through part performance of a contract for the sale of land or otherwise;

or partly in one of the said capacities and partly in any other of the said capacity or capacities; and the expression "to hold land" shall be construed accordingly

Explanation—Where the same land is held by one person in one capacity and by another person in any other capacity, such land shall be included in the holding of both such persons;

(n) "land" means land which is used or is capable of being used for purposes of agriculture, or for purposes ancillary thereto, including horticulture, forest land, pasture land, waste land and tope; and includes land deemed to be agricultural land under this Regulation;

(o) "law" includes any enactment, Ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law;

(p) "notification" means a notification published in the Official Gazette; and the expression "notify" shall be construed accordingly;

(q) "notified date" means the date notified under sub-section (3) of section 1;

(r) "owner" includes a person by whom or in whose favour a trust is created and a person entitled to a vested remainder; but does not include a limited owner;

(s) "person" includes an individual, a family unit, a trustee, a company, a firm, a society or an association of individuals, whether incorporated or not;

(t) "prescribed" means prescribed by rules made by the Government under this Regulation;

(u) "specified date" means,—

(i) in the case of a declaration required to be filed under section 7, the notified date; and

(ii) in the case of a declaration required to be filed under section 16, the date of acquisition, usufructuary mortgage, lease, marriage, adoption or alteration in the classification of the land referred to therein, as the case may be;

(v) "standard holding" means the extent of land specified in section 4 to be the standard holding;

(w) "tenant" means any person who has paid or has agreed to pay rent or other consideration for his being allowed by another to enjoy the land of the latter under an agreement, express or implied, and includes his heirs and legal representatives;

(x) "Tribunal" means a Tribunal constituted under section 5;

(y) "wet land" means any land on which paddy or dufassal crops have been raised with the use of water from a Government source of irrigation in any four fasli years within a continuous period of six fasli years immediately before the specified date and includes any land irrigated by a tubewell constructed by the Government or any person.

Ceiling
area.

3. (1) The ceiling area in the case of a family unit consisting of not more than five members shall be an extent of land equal to one standard holding.

(2) The ceiling area in the case of a family unit consisting of more than five members shall be an extent of land equal to one standard holding *plus* an additional extent of one-fifth of one standard holding for every such member in excess of five, so however, that the ceiling area shall not exceed two standard holdings.

(3) The ceiling area in the case of every individual who is not a member of a family unit, and in the case of any other person shall be an extent of land equal to one standard holding.

Explanation.—In the case of a family unit, the ceiling area shall be applied to the aggregate of the lands held by all the members of the family unit.

Standard
holding
for
different
classes of
lands
and
computa-
tion.

4. (1) For the purposes of this Regulation, the extent of land which shall constitute a standard holding for the class of lands specified in column (1) of the Table below shall be that specified against it in column (2) thereof:

TABLE

Class of land	Extent of standard holding
(1)	(2)
WET LAND	
1st class 2nd class	(Land assessed to land revenue at the rate exceeding Rs. 10 per hectare) 7·20 hectares.
3rd class	(Land assessed to land revenue at the rate exceeding Rs. 7 but not exceeding Rs. 10 per hec- tare) 8·40 hectares.
4th class	(Land assessed to land revenue at the rate exceeding Rs 4 but not exceeding Rs 7 per hec- tare) 9·60 hectares.
5th class	(Land assessed to land revenue at the rate not exceeding Rs. 4 per hectare) 10·80 hectares.
DRY LAND	
1st class 2nd class	(Land assessed to land revenue at the rate not exceeding Rs 3 per hectare) 21·60 hectares

Explanation.—For the purpose of this section, “class” means the class of the land as determined by the Deliberation dated 5th December, 1925 and enforced by the Arrete dated 16th April, 1926.

(2) In computing the holding of a person or family unit, consisting of lands of different classes, the relative proportion of the extent of land of each such class to the extent of a standard holding of the appropriate class shall be taken into account in the manner prescribed and the aggregate of all such proportions shall be deemed to be the holding of the person or the family unit, in relation to the ceiling area.

(3) In computing the holding of an individual who is not a member of a family unit, but is a member of a joint family, the share of such an individual in the lands held by the joint family shall be taken into account and aggregated with the lands, if any, held by him separately and for this purpose, such share shall be deemed to be the extent of land which would be allotted to such individual had there been a partition of the lands held by the joint family

(4) In computing the holding of the member of a family unit who is also a member of a joint family, the share of such member in the lands held by the joint family shall be taken into account and aggregated with the lands, if any, held by him separately and for this purpose, such share shall be deemed to be the extent of land which would be allotted to such member, had there been a partition of the lands held by the joint family.

(5) Where an individual or a member of the family unit is a member of a co-operative society, or firm, the share of such individual or member of a family unit in the land held by such co-operative society or firm shall also be included in the holding of the individual or member of the family unit, as the case may be, and for this purpose the share of the land so held shall be deemed to be the extent of the land which would have been allotted to him on a winding up of the co-operative society or dissolution of the firm.

(6) Lands owned or held under a private trust shall,—

(a) in a case where the trust is revocable by the author of the trust, be deemed to be held by such author or his successor-in-interest; and

(b) in other cases, be deemed to be held by the beneficiaries of the trust in proportion to their respective interests in such trust, or the income derived therefrom

Explanation.—Where a trust is partly private and partly public, this sub-section shall apply to lands covered by that part of the assets of the trust which is relatable to the private trust.

5. (1) The Government may, by notification, constitute a Tribunal for the purposes of this Regulation.

(2) The Tribunal constituted under sub-section (1) shall consist of one person who holds or has held the post of a Deputy Collector or that of a District Munsif or is qualified to hold the post of a District Munsif or holds or has held a civil post under the Government, not below the rank of a Deputy Collector.

Constitu-
tion of
a Tribu-
nal.

Special
provi-
sion in
respect
of
certain
transfers,
etc.,
already
made.

6 (1) Where on or after the 24th January, 1971 but before the notified date, any person has transferred whether by way of sale (other than a *bona fide* sale under a registered deed for valuable consideration), gift, usufructuary mortgage, exchange, settlement, surrender or in any other manner whatsoever, any land held by him or created a trust of any land held by him, then, the burden of proving that such transfer or creation of trust has not been effected in anticipation of, and with a view to avoiding or defeating the objects of, this Regulation shall be on such person, and where he has not so proved, such transfer or creation of trust, shall be disregarded for the purpose of the computation of the ceiling area of such person.

(2) Where at any time within a period of five years before the notified date, any person has converted any agricultural land held by him into a non-agricultural land, then, the land so converted shall be deemed to be agricultural land on the notified date for the purpose of this Regulation.

(3) Where on or after the 24th January, 1971, but before the notified date,—

(a) any declaration of dissolution of marriage has been made by a court on an application made on or after the 24th January, 1971; or

(b) any other dissolution of marriage in accordance with any law or custom has taken place,

then, the land held by each spouse immediately before the date of such dissolution shall, for the purposes of this Regulation, be deemed to be land held on the notified date by the family unit of which they were members immediately before such dissolution.

(4) Where on or after the 24th January, 1971, but before the notified date, any person has been given in adoption, then, the land held by such person immediately before the date of such adoption shall, for the purposes of this Regulation, be deemed to be held on the notified date by the family unit of which he was a member immediately before such adoption.

(5) In every case referred to in sub-section (3) or sub-section (4), the computation of the ceiling area shall first be made in respect of the family unit referred to in the said sub-section, and after the surrender of the land held in excess of the ceiling area by such family unit, the remaining land held by such divorced spouse or adopted person, as the case may be, shall be included in the holding of such divorced spouse or adopted person, whether as an individual or as a member of a family unit of which such spouse or person has become a member.

(6) If any question arises,—

(a) whether any transfer or creation of a trust effected on or after the 24th January, 1971 had been effected in anticipation of, and with a view to avoiding or defeating the objects of, this Regulation; or

(b) whether any conversion of agricultural land into non-agricultural land had taken place within a period of five years before the notified date; or

(c) whether any dissolution of a marriage had taken place on or after the 24th January, 1971 but before the notified date either on an application made on or after the 24th January, 1971, or in accordance with any law or custom; or

(d) whether any person had been given in adoption on or after the 24th January, 1971, but before the notified date;

such question shall be determined by the Tribunal, after giving an opportunity of being heard to the affected parties, and its decision thereon shall, subject to an appeal and a revision under this Regulation, be final.

(7) If the Tribunal decides that any transfer or creation of trust had been effected in anticipation of, and with a view to avoiding or defeating the objects of this Regulation and if as a result of such transfer or creation of trust, the holding of the person or the family unit, that remains on the notified date, does not exceed the extent of land that he or the family unit is liable to surrender, then, the Tribunal shall treat the entire holding thus left over as the extent of land to be surrendered under the provisions of this Regulation by the person or the family unit, as the case may be

7. (1) Every person, whose holding on the notified date together with any land transferred by him on or after the 24th January, 1971, whether by way of sale (other than a *bona fide* sale under a registered deed for valuable consideration), gift, usufructuary mortgage, exchange, settlement, surrender or in any other manner whatsoever and any land in respect of which a trust has been created by him on or after the 24th January, 1971, exceeds the specified limit, shall, within thirty days from the notified date or within such extended period as the Government may notify in this behalf, furnish a declaration in respect of his holding together with such land, to the Tribunal containing such particulars and in such form as may be prescribed.

Declara-
tion of
holding

Explanation I.—Where the land is held or is deemed to be held by a minor or lunatic or an idiot or other person subject to like disability, not being a member of the family unit, the declaration shall be furnished by the guardian, manager or other person in charge of the property of such person; and where the land is held or is deemed to be held by a company, firm, association or other corporate body, the declaration shall be furnished by any person competent to act for such company, firm, association or corporate body in this behalf

Explanation II.—Where the land is held or is deemed to be held by a family unit, the declaration shall be furnished by a person in management of the property of such family unit and the declaration so furnished shall be binding on all the members of the family unit:

Provided that the Tribunal shall, in the event of a dispute as to the declaration furnished by the person in management, give to the other members of the family unit an opportunity of making their representations or of adducing evidence, if any, in respect of such declaration and shall consider such representations and evidence before determining the ceiling area under this Regulation.

Explanation III.—In this sub-section, "specified limit" means,--

(a) in the case of wet land—7·20 hectares (18 acres);

(b) in the case of dry land—18·00 hectares (45 acres),

and for the purpose of computing the specified limit in a case where the holding of any person includes both wet land and dry land, one hectare of wet land shall be deemed to be equal to two and one-half hectares of dry land

(2) Without prejudice to the provisions of sub-section (1), the Tribunal shall have power to issue notice requiring any person holding land or residing within its jurisdiction who, it has reason to believe, holds or is deemed to hold land in excess of the ceiling area to furnish a declaration of his holding, or that of his family unit, under sub-section (1), within such period as may be specified in the notice not being less than fifteen days from the date of its communication, and such person shall furnish the declaration accordingly.

(3) If any person who is liable to furnish a declaration under sub-section (1) or sub-section (2) fails to furnish the declaration within the specified time, the Tribunal may obtain the necessary information in such manner as may be prescribed.

Determin-
ation
of
ceiling
area.

8. The Tribunal shall, on receipt of the declaration furnished or information obtained under section 7, publish the same, and make an inquiry, in such manner as may be prescribed, and pass orders determining whether the person holds or is deemed to hold on the notified date an extent of land in excess of the ceiling area and if so, the extent of land so held in excess as on that date.

Explanation.—Save as otherwise provided in this Regulation, in the case of a family unit, the number of members of the family unit shall be reckoned with reference to the notified date.

Surren-
der of
land in
certain
cases

9. (1) If the extent of the holding of a person is in excess of the ceiling area, the person shall be liable to surrender the land held in excess.

(2) The Tribunal shall serve on every person, who is liable to surrender the land held in excess of the ceiling area under sub-section (1), a notice specifying therein the extent of land which such person has to surrender and requiring him to file a statement within such period not being less than fifteen days, as it may fix, indicating therein, full particulars of the lands which such person proposes to surrender.

(3) If the person on whom a notice is served under sub-section (2), files the statement referred to in that sub-section within the period fixed therefor, and the Tribunal is satisfied, after making such inquiry as it deems fit, that the proposed surrender of the land is in accordance with the provisions of this Regulation, it shall pass an order approving the surrender and the said land shall thereupon be deemed to have been surrendered by such person.

(4) If the person on whom a notice is served under sub-section (2) does not file the statement referred to in that sub-section within the period fixed therefor or files such statement within the period fixed but does not specify therein the entire extent of land which such person has to surrender, the Tribunal may, after giving an opportunity to the person concerned of being heard, itself select, in the former case the entire extent, and in the latter case, the balance of the extent which such person has to surrender, and pass an order to that effect, and thereupon the said land or balance of land, as the case may be, shall be deemed to have been surrendered by such person.

(5) (a) Notwithstanding anything in this section, it shall be open to the Tribunal to refuse to accept the surrender of any land—

(i) which has been converted into non-agricultural land and has been rendered incapable of being used for purposes of agriculture;

(ii) the surrender of which is not acceptable on account of a dispute as to the title to the land or an encumbrance on the land or on account of the land being in the possession of any person mentioned in sub-clause (i) or sub-clause (v) of clause (m) of section 2 or on account of the land proposed to be surrendered becoming inaccessible by reason of its severance from the remaining part of the holding;

and the Tribunal shall, in every such case, serve a notice on the person concerned requiring him to surrender any other land in lieu thereof; and thereupon the provisions of sub-sections (3) and (4) shall, *mutatis mutandis*, apply to such surrender:

Provided that where the land proposed to be surrendered under this section is burdened with a mortgage, the Tribunal may, on an application made by the mortgagor with the consent of the mortgagee, by order, transfer such mortgage from the land so proposed to be surrendered to the residuary holding of the mortgagor or to any part thereof.

(b) Where the land so surrendered under clause (a) is also not acceptable to the Tribunal, the Tribunal shall, after giving an opportunity to the person concerned of being heard, select any other land in lieu thereof, and thereupon, the said land shall be deemed to have been surrendered by such person.

(6) Before passing an order under sub-section (3) or sub-section (4) or sub-section (5), the Tribunal shall publish the particulars of the land proposed to be surrendered or selected, in such manner as may be prescribed and consider the objections, if any, received in pursuance of such publication.

Explanation I.—In the case of a surrender of land of a family unit,—

(a) where the extent to be surrendered by each member is agreed upon by or on behalf of all the members of the family unit, the extent surrendered by each such member shall be in accordance with such agreement, so however, that the extent surrendered by any female member of the family unit shall not exceed the extent which she would be liable to surrender in proportion to the total land held by her to the lands held by all the members of the family unit;

(b) where there is no such agreement, the extent surrendered shall be in proportion to the lands held by each member of the family unit;

(c) where any land is held in the name of any female member of the family unit, it shall be presumed, unless the contrary is proved, that such female member is the owner of such land.

Explanation II.—Where any person surrenders any land being the whole or part of his share of the land held by a co-operative society or firm, the share of such person in such co-operative society, or firm, as the case may be, shall, to the extent required for such surrender, be deemed to have been correspondingly reduced.

Explanation III.—Where any person required to surrender any land under this Regulation is a member of a co-operative society or firm, he may be required to surrender the land, if any, held by him separately and may then be required to surrender from his share of the land held by the co-operative society, or firm only to make up the deficiency.

Explanation IV.—Where it is proposed to accept the surrender by any person of his share of the lands held by a joint family, co-operative society or firm of which he is a member, the lands so surrendered shall be selected in accordance with any agreement that may be arrived at between such person and the other members of such joint family, co-operative society or firm, and where there is no such agreement, the share of such person in the lands so held shall, as far as practicable, be determined *pro rata* with reference to each class of land held by such joint family, co-operative society or firm.

Vesting
of land
surren-
dered.

10. Where any land is surrendered or is deemed to have been surrendered under this Regulation by an owner, the Tribunal may, subject to such rules as may be prescribed, by order take possession or authorise any officer to take possession of such land which shall thereupon vest in the Government free from all encumbrances from the date of such order:

Provided that any claim or liability enforceable against that land immediately before the date of vesting in the Government may be enforced only—

(i) against the amount payable under this Regulation in respect of such land; and

(ii) against any other property of the owner;

to the same extent to which such claim or liability was enforceable against that land or other property, as the case may be, immediately before the date of vesting.

Explanation.—Nothing in this section shall affect the provisions of any law, custom, usage or agreement relating to right of easement available for any land vesting in the Government under this section over any other land.

Reversion
and
vesting
of land
surren-
dered.

11. (1) Where any land is surrendered or is deemed to have been surrendered under this Regulation by any usufructuary mortgagee or tenant, the possession of such land shall, subject to such rules as may be prescribed, revert to the owner.

(2) The owner to whom the possession of the land reverts under sub-section (1) from an usufructuary mortgagee shall be liable to pay the mortgage money due to the usufructuary mortgagee in respect of that land with interest at the rate of six per cent. per annum from the date of such reversion, and the said land shall continue to be the security for such payment.

(3) The owner to whom the possession of the land reverts under sub-section (1) from a tenant shall be entitled to receive from the tenant rent due for the period ending with the last crop harvested by such tenant.

(4) Where any land is surrendered or is deemed to have been surrendered under this Regulation by any limited owner or by any person in possession by virtue of a mortgage by conditional sale or through a part performance of contract for sale or otherwise, the possession of such land shall, subject to such rules as may be prescribed, revert to the owner.

(5) The owner to whom the possession of the land reverts under sub-section (4) shall be liable to discharge the claim enforceable against

the land by the limited owner or person in possession; and the land surrendered shall, if held as a security, continue to be the security.

(6) Notwithstanding anything contained in this section, where any land surrendered by an usufructuary mortgagee or a tenant or a limited owner or a person in possession referred to in sub-section (4), is also a land surrendered by the owner, the provisions of section 10 shall apply.

12. (1) The lands vested in the Government under this Regulation shall be allotted for use as house-sites for agricultural labourers, village artisans or other poor persons owning no houses or house-sites, or transferred to the weaker sections of the people dependent on agriculture for purpose of agriculture or for purposes ancillary thereto, in such manner as may be prescribed:

Disposal
of land
vested
in Gov-
ernment.

Provided that, as far as may be practicable, not less than one-half of the total extent of land so allotted or transferred shall be allotted or transferred to the members of the Scheduled Castes and such of the categories of the weaker sections as may be prescribed by the Government.

(2) Every person, to whom the land has been allotted for use as house-site or transferred for the purpose of agriculture or for purposes ancillary thereto, shall pay to the Government the value of the land within a period of fifteen years from the date of allotment or transfer or within a shorter period at his option, and in such instalments as may be prescribed, and on payment of the entire amount such person shall be granted a patta in respect of that land:

Provided that such price shall, in no case, be less than the amount paid by the Government for the vesting of such land under this Regulation.

Explanation.—Where any land transferred under sub-section (1) contains any fruit-bearing trees or permanent structures, the transferee shall also be liable to pay the value of such trees or structures calculated in such manner as may be prescribed.

(3) Where any person fails to pay the sum referred to in sub-section (2) or any instalment thereof, the Deputy Collector (Revenue) may, subject to such rules as may be prescribed, resume the land after giving an opportunity to the person concerned of making a representation in this behalf and the amount already paid by such person to the Government shall be liable to be forfeited to the Government.

(4) Any transfer of the land under this section shall be subject to—

(i) the condition that the land shall not be alienated by the transferee by way of sale, gift, mortgage, lease or in any manner whatsoever otherwise than by way of mortgage in favour of the Government, a bank or a co-operative society, including a land mortgage bank; and

(ii) such other conditions as may be prescribed.

(5) Any alienation effected or other act done in respect of any land in violation of the conditions specified in sub-section (4) shall be null

and void; and the Deputy Collector (Revenue) shall resume the land after giving an opportunity to the persons affected of making a representation in this behalf.

(6) Notwithstanding anything in this section, the Government may—

(i) lease out any land vesting in them under this Regulation for such purposes and on such terms and conditions as may be specified by them; or

(ii) reserve such land for any common use or benefit of the community.

Amount payable for lands vested in the Government.

Claims for the amount payable.

13. The amount payable for any land vested in the Government under this Regulation shall be a sum calculated at the rates specified in the Schedule and it shall be paid in such manner as may be prescribed.

14. (1) The Tribunal shall, after giving the persons known or believed to be interested in the land vested in the Government an opportunity of being heard, determine the amount payable under section 13 and publish a notification containing particulars of the land so vested and the amount payable therefor.

(2) Any person having an interest in the said land may file a claim for the amount due to him from out of the amount payable, within thirty days from the date of publication of the notification and the Tribunal shall, after making an inquiry into the validity of the claim, determine the persons who, in its opinion, are entitled to payment from out of the said amount and the amount to which each of them is entitled and subject to such rules as may be prescribed, make payments in accordance with such determination.

Prohibition of alienation of holding

15. (1) No person whose holding, and no member of a family unit, the holding of all the members of which in the aggregate, is in excess of the ceiling area as on the 24th January, 1971 or at any time thereafter, shall, on or after the notified date, alienate his holding or any part thereof by way of sale, lease, gift, exchange, settlement, surrender, usufructuary mortgage or otherwise, or effect a partition thereof, or create a trust or convert an agricultural land into non-agricultural land, until he or the family unit, as the case may be, has furnished a declaration under section 7 and the extent of land, if any, to be surrendered in respect of his holding or that of his family unit has been determined by the Tribunal and an order has been passed by the Tribunal under this Regulation taking possession of the land in excess of the ceiling area and a notification is published under section 14; and any alienation made or partition effected or trust created in contravention of this section shall be null and void and any conversion so made shall be disregarded.

(2) For the purposes of determining whether any transaction of the nature referred to in sub-section (1) took place on or after the notified date, the date on which the document relating to such transaction was registered shall, notwithstanding anything in section 47 of the Registration Act, 1908, be deemed to be the date on which the transaction took place, whether such document was registered within or outside the Union territory of Pondicherry.

(3) The provisions of sub-section (1) shall apply to any transaction of the nature referred to therein in execution of a decree or order of a civil court or of any award or order of any other authority.

16 Where on or after the notified date there takes place—

- (a) any acquisition in any manner whatsoever, usufructuary mortgage, or lease of any land; or
- (b) any marriage or adoption; or
- (c) any alteration in the classification of the land;

Declara-
tion of
future
acquisi-
tion.

and after such acquisition, usufructuary mortgage, lease, marriage, adoption or alteration, the total extent of land held by any person or by all the members of any family unit in the aggregate exceeds the ceiling area such person or family unit shall, within a period of sixty days from the date of such acquisition, usufructuary mortgage, lease, marriage, adoption or alteration, furnish a declaration of the holding of such person or family unit to the Tribunal; and all the relevant provisions of this Regulation shall apply as if it was a declaration furnished under section 7.

Explanation I.—For the purpose of this section, the number of members of a family unit shall be reckoned with reference to the date of such acquisition, usufructuary mortgage, lease, marriage, adoption or alteration, as the case may be.

Explanation II.—For the purpose of the application of the provisions of sections 8 and 15, the expression “notified date” shall be construed as the date of acquisition, usufructuary mortgage, lease, marriage, adoption or alteration, as the case may be.

Explanation III.—For the removal of doubts, it is hereby clarified that no declaration under this section need be furnished where the total extent of land held by all the members of a family unit in the aggregate exceeds the ceiling area solely on account of any reduction in the number of members of the family unit.

Explanation IV.—Where a land surrendered by a family unit under this Regulation is land held by a joint family, it shall be open to the members of the family unit and other members of the joint family to partition the land remaining with such joint family after such surrender and if such family unit comes to hold land in excess of the ceiling area solely on account of such partition, such family unit shall not be required to furnish a fresh declaration under this section and the relevant provisions of this Regulation applicable to a family unit holding land in excess of the ceiling area shall not apply to such family unit.

16 of 1908.

17. (1) Notwithstanding anything in the Registration Act, 1908, every person presenting before a registering officer appointed under the said Act, for registration on or after the notified date, any document relating to alienation of any land or creation of a trust in respect of any land shall, at the time of such presentation, furnish a declaration in duplicate by the transferor making the alienation, or creating the trust, to the effect that the holding of the transferor does not exceed the ceiling area, and in a case where such transferor is a member of a family unit, that the holdings of all the members of such family unit in the aggregate do not exceed the ceiling area.

Declara-
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before
register-
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(2) The declaration mentioned in sub-section (1) shall be in such form and contain such particulars as may be prescribed.

(3) On or after the notified date, no registering officer shall accept for registration any document relating to the alienation, or the creation of any trust, of any land, if the document is not accompanied by the declaration mentioned in sub-section (1).

(4) The registering officer shall, as soon as may be after the date of registration of the document, forward one copy of the declaration referred to in this section to the Deputy Collector (Revenue) and on receipt of such copy, the Deputy Collector (Revenue) may obtain such information as may be necessary for verifying as to the correctness of the statements contained in the declaration.

(5) Every village Karnam and every officer of the Revenue, Registration or Survey and Settlement Department of the Government, shall report to the Deputy Collector (Revenue) any information which they may receive of transactions in respect of any land made in contravention of any of the provisions of this Regulation and on receipt of such information the Deputy Collector (Revenue) may verify the correctness of the same.

(6) Where it appears to the Deputy Collector (Revenue) as a result of verification under sub-section (4) or sub-section (5) or in any other manner that a transaction has taken place in contravention of the provisions of this Regulation he shall, after giving an opportunity of making representation to the parties likely to be affected and holding such inquiry as he may consider necessary, by order, determine whether or not the transaction is in contravention of the provisions of this Regulation; and where any transaction is so determined to be in contravention of the said provisions, it shall be null and void.

Constitu-
tion of
Appellate
Tribunal.

18. (1) The Government may, by notification, constitute an Appellate Tribunal for the purpose of hearing appeals under this Regulation.

(2) The Appellate Tribunal shall consist of not more than three members of whom one shall be a person who holds or has held or is qualified to hold the post of a District Judge and such person shall be the Chairman of the Tribunal.

(3) The Appellate Tribunal shall meet at such times and places as it thinks fit and shall regulate its own procedure.

Appeal.

19. (1) An appeal shall lie against an order passed by the Tribunal or the Deputy Collector (Revenue) to the Appellate Tribunal within thirty days from the date of communication of the order, and the Appellate Tribunal shall pass such orders on the appeal as it deems fit and such order shall, subject to any revision under section 20, be final:

Provided that the Appellate Tribunal may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Where the Government are aggrieved by an order passed by the Tribunal or Deputy Collector (Revenue), they may file an appeal to the Appellate Tribunal against that order.

20. An application for revision from any party aggrieved, including the Government, shall lie to the High Court, within the prescribed period, from any order passed on appeal by the Appellate Tribunal on any of the following grounds, namely:—

Revision.

(a) that it exercised a jurisdiction not vested in it by law, or

(b) that it failed to exercise a jurisdiction so vested, or

(c) that it acted in the exercise of its jurisdiction illegally or with material irregularity.

5 of 1908.

21. (1) The Appellate Tribunal, the Tribunal, the Deputy Collector (Revenue) and any officer authorised by the Tribunal or Deputy Collector (Revenue) to exercise any powers under this Regulation shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, for summoning and enforcing the attendance of any person and examining him on oath and for requiring production of any document.

Power of authorities under this Regulation.

(2) The Appellate Tribunal, the Tribunal, the Deputy Collector (Revenue) or any officer authorised by the Tribunal or Deputy Collector (Revenue) in this behalf may, at any time, enter upon any land but not a dwelling house, with such officers or other persons as it or he considers necessary and make a survey and take measurements thereof or do any other act which it or he considers to be necessary for carrying out any of the provisions of this Regulation.

(3) The Tribunal or any officer authorised by it to take possession of any land vesting in the Government under this Regulation may, while taking such possession, remove any obstruction that may be caused or offered thereto and may for that purpose use such force as may be necessary.

22. Nothing in this Regulation shall apply to the following lands, namely:—

Exemptions.

(a) lands held by the Central Government or any State Government or any local authority;

(b) lands held by religious, charitable or educational institutions (including wakfs) of a public nature existing on the date of commencement of this Regulation;

(c) lands held by an undertaking owned, controlled or managed by—

1 of 1956.

(i) a Government company as defined in section 617 of the Companies Act, 1956;

(ii) a corporation established by or under a Central, Provincial or State Act, which is controlled or managed by a State Government or the Central Government;

(d) lands held by—

(i) such co-operative farming societies of weaker sections of the people as may be approved by the Government in this behalf, which approval the Government may, for good and sufficient reason, withdraw at any time;

(ii) other co-operative societies including land mortgage banks;

(e) lands held by a bank;

(f) lands in any area notified by the Government in this behalf as required for acquisition in connection with any major irrigation, power, industrial or other project under construction as on the date of the commencement of this Regulation:

Provided that where any of the lands specified in clause (a), (b), (c), (d) or (e) are held by any person other than the authority, institution, body corporate or society specified in such clause, whether as a tenant or usufructuary mortgagee or otherwise, the provisions of this Regulation shall apply to such person in respect of such land:

Provided further that the exemptions under sub-clause (ii) of clause (d) and clause (e) shall be available only in respect of the lands acquired by such co-operative societies or banks in pursuance of the recovery of their dues:

Provided also that the exemption under sub-clause (i) of clause (c) shall be available only in respect of such part of the land as may be relatable to the share held by a State or the Central Government in such Government company, and for this purpose, the share of the land so relatable shall be deemed to be the extent of the land which would have been allotted to the said Government on a winding up of the company.

Penalty.

23. (1) If any person, who is liable to furnish a declaration under this Regulation wilfully and without reasonable cause or excuse, fails to furnish the declaration within the period prescribed or specified therefor by or under this Regulation or furnishes any declaration which he knows or has reason to believe to be false, incorrect or incomplete, he shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees or with both.

(2) If any person wilfully and without reasonable cause or excuse, contravenes any other provisions of this Regulation or of any rules made or orders issued thereunder, he shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees or with both.

(3) If any village Karnam, or any officer of the Revenue, Registration or Survey and Settlement Department of the Government wilfully and without reasonable cause or excuse fails to report to the Deputy Collector (Revenue) any information which he may receive of any transaction in respect of any land made in contravention of any of the provisions of this Regulation, he shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to two thousand rupees or with both.

(4) No court shall take cognizance of an offence punishable under this Regulation except with the previous sanction of the Collector, which sanction shall be accorded subject to such rules as may be prescribed.

24. (1) No suit, prosecution or other legal proceedings shall lie against any person, officer or authority for anything which is in good faith done or intended to be done in pursuance of this Regulation or any rules made thereunder.

Protection of action taken under this Regulation.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused or for any injury suffered or likely to be suffered, by virtue of any provision of this Regulation, or for anything which is in good faith done or intended to be done in pursuance of this Regulation or any rules made thereunder.

25. Save as otherwise provided in this Regulation, no order passed or proceeding taken by an officer or authority under this Regulation shall be called in question in any court, in any suit or application and no injunction shall be granted by any court in respect of any action taken or to be taken by such officer or authority in pursuance of any power conferred by or under this Regulation.

Bar of jurisdiction.

26. (1) The Government may, by notification, make rules to carry out all or any of the purposes of this Regulation

Power to make rules.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the form in which a declaration under sub-section (1) of section 7 may be furnished and the particulars which such declaration shall contain;

(b) the manner in which information regarding lands in excess of the specified limit may be obtained under sub-section (3) of section 7;

(c) the manner in which an inquiry may be made under section 8;

(d) the circumstances under which lands surrendered or deemed to have been surrendered by usufructuary mortgagee or tenant shall revert to the owner under sub-section (1) of section 11;

(e) the manner of allotment under sub-section (1) of section 12 of lands vested in the Government;

(f) the instalments in which the value of the land may be paid to the Government under sub-section (2) of section 12;

(g) the circumstances under which lands may be resumed under sub-section (3) of section 12;

(h) the value of the court fee stamps to be affixed on an appeal under section 19;

(i) any other matter which has to be or may be prescribed.

(3) Every rule made under this Regulation shall, as soon as may be after it is made, be laid before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session, in which it is so laid or the sessions aforesaid, the

Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Regulation to override other laws.

27. The provisions of this Regulation shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force or any custom, usage or agreement or decree or order of a court, tribunal or authority.

Power to remove difficulties.

28. If any difficulty arises in giving effect to the provisions of this Regulation, the Government may, by general or special order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Regulation, as appear to them to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiration of two years from the notified date.

THE SCHEDULE

(See section 13)

1 The amount payable to any person under section 13 in respect of any land vested in the Government under this Regulation shall be determined in the manner hereinafter specified.

2. A sum equivalent to the net annual income from the land shall be determined in the first instance.

3. The net annual income from the land shall be the amount of fair rent less the land revenue.

Explanation.—In this Regulation “land revenue” means the land revenue payable as per the Deliberation dated 5th December, 1925 enforced by the Arrete dated 16th April, 1926 and includes 50 per cent. surcharge thereon and centimes additionals, and charge for water, if any:

Provided that in the case of any land in respect of which no land revenue is payable, the land revenue in respect of such land shall be the same as the land revenue payable for similar land in the vicinity.

4. The fair rent shall be the aggregate of—

(a) (i) in the case of wet land, 40 per cent. of the average gross produce or its value in money;

(ii) in the case of wet land, the irrigation of which is supplemented by lifting water, 35 per cent. of the average gross produce or its value in money;

(iii) in the case of land on which crops, which do not give any yield within a period of one year from the time of cultivation, are cultivated, 40 per cent of the average gross produce or its value in money;

(iv) in the case of any other class of land, $33\frac{1}{3}$ per cent. of the average gross produce or its value in money:

Provided that in the case of lands referred to in items (ii) and (iv) for the cultivation of which water is lifted by pump-set installed at the cost of the land-owner, the fair rent shall be increased to 40 per cent.

Explanation I.—In this paragraph, “average gross produce”,—

(i) in respect of a land cultivated with any crop which does not give any yield within a period of one year from the time of cultivation, means the gross produce for one year if the land were cultivated with paddy;

(ii) in respect of a land cultivated with any other crop, means the produce which would be obtained for one year from a land of the same class as the land in question similarly situated and possessing similar advantages if the rainfall and the seasons were normal.

Explanation II.—In the case of land on which different crops are cultivated at different times on different portions of the land, the fair rent shall be calculated with reference to—

(a) the actual crops ordinarily cultivated according to the ordinary rotation of crops in the area in which such land is situated; and

(b) the value of one-fifth of straw or stalk of all the crops cultivated on the land in an agricultural year.

5. In the case of land cultivated by the owner, the fair rent shall be the fair rent as calculated in the manner specified in paragraph 4 in respect of a land of the same class as the land in question, similarly situated and possessing similar advantages.

6. The amount payable for the land vested in the Government under this Regulation, which in no case shall exceed five thousand rupees per standard hectare, shall be determined in accordance with the following scale, namely:—

(i) for the first sum of Rs. 5,000 or any portion thereof of the net annual income from the land, ten times such sum or portion;

(ii) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, nine times such sum or portion;

(iii) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, eight times such sum or portion;

(iv) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, seven times such sum or portion;

(v) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, six times such sum or portion;

(vi) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, five times such sum or portion;

(vii) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, four times such sum or portion;

(viii) for the next sum of Rs. 5,000 or any portion thereof of the net annual income from the land, three times such sum or portion;

(ix) for the balance of the net annual income from the land, two times such balance.

Explanation.—In this paragraph “standard hectare” means,—

(a) in the case of wet land—

(i) 1.20 hectares of wet land assessed to land revenue at a rate exceeding Rs. 10 per hectare;

(ii) 1.40 hectares of wet land assessed to land revenue at a rate exceeding Rs. 7 but not exceeding Rs. 10 per hectare;

(iii) 1.60 hectares of wet land assessed to land revenue at a rate exceeding Rs. 4 but not exceeding Rs. 7 per hectare;

(iv) 1.80 hectares of wet land assessed to land revenue at a rate not exceeding Rs. 4 per hectare;

(v) in the case of dry land, 3.60 hectares of dry land assessed to land revenue at a rate not exceeding Rs. 3 per hectare.

7. (a) The amount payable for any building, machinery, plant, apparatus, wells, filter points or power lines vested under this Regulation shall be the written down value determined in accordance with the provisions of the Income-tax Act, 1961, of such building, machinery, plant, apparatus, wells, filter points or power lines, on the date of the order made under section 10 43 of 1961.

(b) The amount payable for any tree shall be the value of such tree on the date of the order made under section 10

8 The amount payable shall be the aggregate of the amount as calculated under paragraphs 6 and 7 in respect of the land concerned.

FAKHRUDDIN ALI AHMED,
President.

K K SUNDARAM,
Secy. to the Govt of India